

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Western District of Michigan

JEFFREY RYAN FENTON

*Plaintiff(s)*

v.

VIRGINIA LEE STORY et al.,

*Defendant(s)*

**FILED - LN**

October 21, 2024 4:17 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: piw / SCANNED BY: gao/02/24

Civil Action No. 1:23-cv-1097

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

STORY AND ABERNATHY, PLLP  
136 4TH AVE S,  
FRANKLIN, TN 37064-2622

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jeffrey Fenton  
17195 Silver Parkway #150  
Fenton, MI 48430

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

AUG 21 2024

Date: 05/23/2024

CLERK OF COURT



Signature of Clerk or Deputy Clerk

Civil Action No. 1:23-cv-1097

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) STORY AND ABERNATHY, PLLP  
was received by me on (date) August 21, 2024 .

☒ Other (specify):

Service of defendant STORY AND ABERNATHY, PLLP was initiated pursuant to F.R.Civ.P. 4(e)(1) and Mich. Ct. R. 2.105(C) by delivering the *lawsuit service package* as itemized in ECF 69 and 69-1 of this lawsuit, via certified U.S. mail with tracking number 70203160000230011758, return receipt requested, to the *registered agent* address as listed by the Tennessee Secretary of State, Division of Business Services, for SOS Control #000706581. This package was successfully delivered to defendant STORY AND ABERNATHY, PLLP on August 26, 2024, at 11:09 AM, as evidenced by the return receipt signed by "Kim Rydell". See the attached receipt copies from the USPS.

Mich. Ct. R. 2.105(C) requires: "Process may be served on a partnership or limited partnership by: (1) serving a summons and a copy of the complaint on any general partner, or (2) serving a summons and a copy of the complaint on the person in charge of a partnership office or business establishment and sending a summons and a copy of the complaint by registered mail, addressed to a general partner at his or her usual residence or last known address."

Due to the high number of defendants in this case, production of the *lawsuit service packages* was both costly and very time and resource intensive to produce. As such there were only enough lawsuit service packages prepared to provide *one* per defendant to start. As service progressed, additional lawsuit service packages continued to be produced and sent out to defendants requiring additional service attempts.

Per Mich. Ct. R. 2.105(K)(3), "(3) An action shall not be dismissed for improper service of process unless the service failed to *inform* the defendant of the action within the time provided in these rules for service." Rule 2.105(K)(3) - Process; Manner of Service.

In the spirit of Mich. Ct. R. 2.105(K)(3) above, service was *deemed satisfied* either upon full completion of service as outlined in Mich. Ct. R. 2.105, per the entity type, or upon first appearance in this matter by counsel, since they obviously were *informed* about this action prior to the *date of first appearance* by their counsel as evidenced in the record.

Especially in situations where the registered agent address and the principal address for the business are the same, or where the registered agent and the known business owner are the same person, it is cost prohibitive, inefficient, and largely illogical, to redundantly serve the same individual.

Valerie Henning Mock of Wilson Elser Moskowitz Edelman & Dicker LLP made an *appearance* in this matter on behalf of defendant STORY AND ABERNATHY, PLLP on September 16. Since service was only sent to STORY AND ABERNATHY, PLLP at their business address, not at the personal residence of any of the partners, service is deemed completed as of the date of first appearance in this matter, that being on September 16, 2024, though first notice of the action was delivered weeks earlier.

I declare under penalty of perjury that this information is true.

Date: 10/20/2024

Marsha Ann Fenton

Server's signature

Marsha Ann Fenton

Printed name and title

17195 Silver Pkwy, #150, Fenton, MI 48430-3426

Server's address





**Tre Hargett**  
Secretary of State

**Division of Business Services**  
**Department of State**  
**State of Tennessee**  
312 Rosa L. Parks AVE, 6th FL  
Nashville, TN 37243-1102

## Filing Information

Name: Story and Abernathy, PLLP

### General Information

SOS Control #	000706581	Formation Locale:	TENNESSEE
Filing Type:	Limited Liability Partnership - Domestic	Date Formed:	01/18/2013
	01/18/2013 10:08 AM	Fiscal Year Close	12
Status:	Active	Partner Count:	2
Duration Term:	Perpetual		

**Registered Agent Address**  
VIRGINIA L STORY  
136 4TH AVE S  
FRANKLIN, TN 37064-2622

**Principal Address**  
136 4TH AVE S  
FRANKLIN, TN 37064-2622

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
05/02/2024	2023 Annual Report	B1557-5824
	Member Count Changed From: 3 To: 2	
02/26/2024	Articles of Amendment	B1511-4908
	Filing Name Changed From: Story, Abernathy and Campbell, PLLP To: Story and Abernathy, PLLP	
08/14/2023	Application for Reinstatement	B1441-5102
	Filing Status Changed From: Inactive - Dissolved (Administrative) To: ACTIVE	
	Inactive Date Changed From: 08/08/2023 To: No Value	
08/14/2023	2022 Annual Report	B1441-5083
08/08/2023	Dissolution/Revocation - Administrative	B1433-5264
	Filing Status Changed From: Active To: Inactive - Dissolved (Administrative)	
	Inactive Date Changed From: No Value To: 08/08/2023	
06/02/2023	Notice of Determination	B1402-4346
03/30/2022	2021 Annual Report	B1191-1280
03/30/2021	2020 Annual Report	B1008-8539
03/31/2020	2019 Annual Report	B0850-3978
	Member Count Changed From: 1 To: 3	
02/15/2019	2018 Annual Report	B0654-2169
	Member Count Changed From: 3 To: 1	
8/20/2024 7:02:19 PM		

## Filing Information

Name: Story and Abernathy, PLLP

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03/22/2018 2017 Annual Report B0520-3602

Member Count Changed From: 2 To: 3

03/21/2017 2016 Annual Report B0366-0413

Member Count Changed From: 3 To: 2

01/21/2016 2015 Annual Report B0187-3796

12/29/2014 2014 Annual Report B0001-7718

Member Count Changed From: 2 To: 3

07/09/2014 Articles of Amendment 7360-2003

Filing Name Changed From: Story and Abernathy, PLLP To: Story, Abernathy and Campbell, PLLP

12/28/2013 2013 Annual Report A0206-1187

01/18/2013 Initial Filing 7134-1551

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Active Assumed Names (if any) 

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Date 

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Expires 

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LINDEN  
215 S MAIN ST  
LINDEN, MI 48451-9998  
(800)275-8777

08/24/2024 11:25 AM

Product	Qty	Unit Price	Price
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Priority Mail®	1		\$14.25
Franklin, TN 37064			
Weight: 3 lb 10.80 oz			
Expected Delivery Date			
Mon 08/26/2024			
Insurance			\$0.00
Up to \$100.00 included			
Certified Mail®			\$4.85
Tracking #:			
→ 70203160000230011758			
Return Receipt			\$4.10
Tracking #:			
9590 9402 8627 3244 0682 44			
<b>Total</b>			<b>\$23.20</b>

Grand Total: \$147.60

Credit Card Remit \$147.60

Card Name: VISA  
Account #: XXXXXXXXXX8359  
Approval #: 014252  
Transaction #: 185  
AID: A0000000031010 Chip  
AL: VISA CREDIT  
PIN: Not Required

UFN: 255460-0451  
Receipt #: 840-54930036-3-6753461-2  
Clerk: 06

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Franklin, TN 37064

Certified Mail Fee \$14.35  
Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$14.25

Total Postage and Fees \$28.60

**STORY AND ABERNATHY, PLLP**  
**136 4TH AVE S**  
**FRANKLIN, TN 37064-2622**

PS Form 3811, July 2020 PSN 7530-02-000-9053 See Reverse for Instructions

USPS TRACKING #



9590 9402 8627 3244 0682 44

United States  
Postal Service

\* Sender: Please print your name, address, and ZIP+4® in this box \*

**17195 SILVER PKWY**  
**PMB #150**  
**FENTON, MI 48430-3426**

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

48430-342695

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**STORY AND ABERNATHY, PLLP**  
**136 4TH AVE S**  
**FRANKLIN, TN 37064-2622**



9590 9402 8627 3244 0682 44

2. Article Number (Transfer from service label)

7020 3160 0002 3001 1758

PS Form 3811, July 2020 PSN 7530-02-000-9053

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Kim Rudel*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

*8/24/24*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No



3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

USPS Tracking®

FAQs >

COMPLETED

Tracking Number:

70203160000230011758

Remove X

Copy      Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to the front desk, reception area, or mail room at 11:09 am on August 26, 2024 in FRANKLIN, TN 37064.

Get More Out of USPS Tracking:  
USPS Tracking Plus®

**Delivered**  
Delivered, Front Desk/Reception/Mail Room  
FRANKLIN, TN 37064  
August 26, 2024, 11:09 am

**Out for Delivery**  
FRANKLIN, TN 37064  
August 26, 2024, 6:10 am

**Arrived at Post Office**  
FRANKLIN, TN 37064  
August 26, 2024, 5:51 am

**Arrived at USPS Regional Destination Facility**  
NASHVILLE TN DISTRIBUTION CENTER  
August 26, 2024, 12:03 am

**In Transit to Next Facility**  
August 25, 2024

**Arrived at USPS Regional Origin Facility**  
DETROIT MI DISTRIBUTION CENTER  
August 24, 2024, 10:44 pm

Feedback



Arrived at USPS Regional Facility

PONTIAC MI DISTRIBUTION CENTER

August 24, 2024, 6:21 pm

Departed USPS Facility

LINDEN, MI 48451

August 24, 2024, 12:02 pm

Departed Post Office

LINDEN, MI 48451

August 24, 2024, 12:01 pm

USPS in possession of item

LINDEN, MI 48451

August 24, 2024, 11:15 am

Hide Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates

USPS Tracking Plus®

Product Information

Feedback

Postal Product: Priority Mail®

Features: Certified Mail™

Up to \$100 insurance included. Restrictions Apply ⓘ

See tracking for related item:

9590940286273244068244 (/go/TrackConfirmAction?tLabels=9590940286273244068244)

See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

USPS Tracking®

FAQs >

COMPLETED

Tracking Number:

9590940286273244068244

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered in or at the mailbox at 3:09 pm on August 29, 2024 in FENTON, MI 48430.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, In/At Mailbox

FENTON, MI 48430

August 29, 2024, 3:09 pm

Arrived at USPS Regional Facility

PONTIAC MI DISTRIBUTION CENTER

August 28, 2024, 8:45 am

Departed USPS Regional Facility

NASHVILLE TN DISTRIBUTION CENTER

August 27, 2024, 7:38 am

Arrived at USPS Regional Facility

NASHVILLE TN DISTRIBUTION CENTER

August 26, 2024, 11:10 pm

Processing at USPS Facility

FRANKLIN, TN 37064

August 26, 2024, 3:13 pm

Return Receipt Associated

August 24, 2024, 11:15 am

Feedback